

# CALIFORNIA TRIBAL COURT/STATE COURT FORUM

## ANNOUNCEMENTS

**Legislative Proposal: Tribal Court Civil Judgment Act, Approved by the Judicial Council at its December 14, 2012 Meeting.** The Policy Coordination and Liaison Committee, California Tribal Court/State Court Forum, Civil and Small Claims Advisory Committee, and Family and Juvenile Law Advisory Committee, jointly recommended that the Judicial Council sponsor legislation to clarify and simplify the process by which tribal court civil judgments will be recognized and enforced in California, in the form of the Tribal Court Civil Judgment Act. Currently, tribal court judgments may be recognized under the provisions of the Uniform Foreign-Country Money Judgments Recognition Act. (Code of Civ. Proc., §§ 1713-1724.) Proceedings to obtain enforcement under that act can be lengthy and costly. This proposal would provide a discrete procedure for recognizing and enforcing tribal court civil judgments, to provide swifter recognition of such judgments while continuing to apply the principles of comity appropriate to judgments of sovereign tribes. The California Judicial Council is seeking a sponsor for the legislative proposal.

<http://www.courts.ca.gov/documents/jc-20121214-itemG.pdf>

**Tribal Customary Adoption Legislative Report, Adopted by the Judicial Council at its December 14, 2012 Meeting.** Assembly Bill 1325 (Cook; Stats. 2009, ch.287) (AB 1325), which became effective July 1, 2010, was tribally initiated legislation which added a new permanency option for Indian children who are dependents of the California courts. This new permanency option known as tribal customary adoption (TCA) allows these children, with the involvement of their tribe, to be adopted by and through the laws, customs and traditions of their tribe without requiring termination of the parental rights of the Indian child's biological parents. Section 12 of AB 1325 (Codified as Welfare and Institutions Code section 366.24 (f)) required the Judicial Council to "...study California's tribal customary adoption provisions and their effects on children, birth parents, adoptive parents, Indian custodians, tribes, and the court, and shall report all of its findings to the Legislature.

<http://www.courts.ca.gov/documents/jc-20121214-itemM.pdf>

**Rule Proposal on Juvenile Law: Indian Child Welfare Act in Delinquency Cases, circulated for public comment to the Judicial Council Rules and Projects Committee for its December 7, 2012 Meeting.** The California Supreme Court's decision in *In re W.B.* 55 Cal.4th 30, issued August 6, 2012, requires revisions to the California Rules of Court governing the application of the Indian Child Welfare Act (ICWA) and corresponding provisions of the Welfare and Institutions Code in juvenile wardship proceedings. As currently drafted, the rules require compliance with all of the substantive ICWA requirements in any juvenile wardship proceeding when the child is in foster care or at risk of entering foster care. The California Supreme Court held in *W.B.* that this application of ICWA and state law is overbroad.

<http://www.courts.ca.gov/documents/W13-08.pdf>

## Forum E-Update

DECEMBER 2012

CALIFORNIA TRIBAL  
COURT/STATE COURT  
FORUM

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Cochair

HON. DENNIS M. PERLUSS  
Cochair

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## JUDICIAL COUNCIL ADMINISTRATIVE OFFICE OF THE COURTS

JUDICIAL COURT OPERATIONS  
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Tribal/State Programs

Link:

<http://www.courts.ca.gov/programs-tribal.htm>

### First Nations Orphan Association Truth, Healing and Reconciliation Forums- Responses to a New Approach

American Indian adoption in the U.S. has had a lasting and painful effect on adoptees and their tribal communities. Adoption policy was initially structured so that Indian children were adopted into white homes; the assumption was that a mainstream upbringing would afford them greater opportunities for success. However, a significant population of adoptees struggled with identity and cultural belonging. Some experienced physical and emotional abuse. These problems were legally recognized after a decade of routine out-adoption and the policy was changed so that children up for adoption, whenever possible, remained in their communities. There still remains, however, a population of Native adoptees who grapple with the pain of their adoptions. First Nations Orphans Association is an organization dedicated to serving this group of people. Through the use of Forums, the organization gives adoptees a chance to be heard and to hear others. This process fosters identity reclamation, as well as community, forgiveness and understanding. See article attached and link:

<http://www.wearecominghome.com/uploads/Response.2012.pdf>

These programs are supported with funds from the Office on Violence Against Women, U.S. Department of Justice that are administered through the California Emergency Management Agency (CalEMA), the U.S. Department of Health and Human Services, Court Improvement Program, and the California Department of Social Services.

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Forum members at the October 2012 Symposium at Shingle Springs, co-sponsored by the National Judicial College and the California Administrative Office of the Courts. (Over 50 tribal and state court judges attended the symposium.)



Forum members in attendance at the 13th National Indian Nations Conference: Justice for Victims of Crime and the National Workgroup on Tribal and State Court Collaborations at Agua Caliente (December 5-8, 2012) shown here with tribal and state court judges from New York. (The workgroup included judges from Arizona, California, Idaho, New Mexico, New York, North Dakota, Wisconsin, and Washington.)

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## GRANT OPPORTUNITIES:

### 1. National Service Agency Announces AmeriCorps Funding Opportunities for Indian Tribes

**Deadline: January 23, 2013**

Indian Tribes and organizations that support Native American communities have been successfully drawing upon national service resources to meet family and community needs for more than 40 years. The Corporation for National and Community Service through its Senior Corps, AmeriCorps State and National, AmeriCorps VISTA, AmeriCorps National Civilian Community Corps (NCCC), and Learn and Serve America has a long-standing commitment to working with tribal nations on a government-to-government basis and is committed to enhancing the collaboration process across all programs to address critical issues affecting Native American communities. For more information see link:

[http://www.nationalservice.gov/about/newsroom/releases\\_detail.asp?tbl\\_pr\\_id=2127](http://www.nationalservice.gov/about/newsroom/releases_detail.asp?tbl_pr_id=2127)

### 2. 2013 Coordinated Tribal Assistance Solicitation (CTAS)

**Deadline: Tuesday, March 19, 2013**

The Department of Justice announced the opening of their comprehensive grant solicitation period for funding to support public safety, victim services and crime prevention improvements for American Indian and Alaska Native tribal governments. The department's Fiscal Year (FY) 2013 Coordinated Tribal Assistance Solicitation (CTAS) is posted at [www.justice.gov/tribal/open-sol.html](http://www.justice.gov/tribal/open-sol.html). For the FY2013 CTAS, a tribe or tribal consortium will submit a single application and select from nine competitive grant programs referred to as purpose areas. This approach allows the department's grant-making components to consider the totality of a Tribal nation's overall public safety needs.

### 3. Tribal Title IV-E Plan Development Grants

**Deadline: March 8, 2013**

The purpose of this funding opportunity announcement is to make one-time grants to Tribes, Tribal organizations, or Tribal consortia that are seeking to develop, and within 24 months of grant receipt, submit to the Department of Health and Human Services (HHS) a plan to implement a title IV-E foster care, adoption assistance and, at Tribal option, guardianship assistance program. Grant funds under this announcement may be used for the cost of developing a title IV-E plan under Section 471 of the Social Security Act (the Act) to carry out a program under Section 479B of the Act. The grant may be used for costs relating to the development of data collection systems, a cost allocation methodology, agency and Tribal court procedures necessary to meet the case review system requirements under Section 475(5) of the Act, or any other costs attributable to meeting any other requirement necessary for approval of a title IV-E plan. For more information, see link:

[http://www.acf.hhs.gov/hhsgrantsforecast/index.cfm?switch=grant.view&gff\\_grants\\_forecastInfoID=64205](http://www.acf.hhs.gov/hhsgrantsforecast/index.cfm?switch=grant.view&gff_grants_forecastInfoID=64205)

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#### 4. U.S. Department of Justice Coordinated Tribal Assistance Solicitation

**Deadline: March 19, 2013**

In 2010, the U.S. Department of Justice (DOJ) launched its first-ever Coordinated Tribal Assistance Solicitation, or CTAS, combining DOJ's existing Tribal government-specific competitive solicitations into one, and thus requiring only one application from each Tribe or Tribal consortium. This approach provides federally-recognized Tribes and Tribal consortia the opportunity to develop a comprehensive approach to public safety and victimization issues. DOJ's Tribal government-specific competitive grant programs outlined in this solicitation are referred to as Purpose Areas. Applicants may apply for funding under the Purpose Area(s) that best addresses Tribes' concerns related to public safety, criminal and juvenile justice, and the needs of victims/survivors of domestic violence, sexual assault, and other forms of violence. For more information, see link: <http://www.justice.gov/tribal/ctas2013/solicitation-document.pdf>